

1 BILL NO. G-86-04-10

2 GENERAL ORDINANCE NO. G-16-86

3 AN ORDINANCE REPEALING CHAPTER 24 OF THE FORT WAYNE
4 MUNICIPAL CODE AND SUBSTITUTING AND ENACTING THEREFOR
5 A NEW CHAPTER 24 ENTITLED "SEWERS AND SEWERAGE SYSTEM"
FOR THE PURPOSE OF ADJUSTING RATES AND OTHER PROVISIONS
SET FORTH THEREIN.

6 WHEREAS, the Common Council now finds that the fees
7 charged for services rendered by the Sewage Works owned and
8 operated by the City of Fort Wayne are not sufficient to maintain
9 the Sewage Works in the sound physical and financial condition
10 necessary to render adequate and sufficient service and that said
11 fees are not sufficient to pay all expenses to operate and main-
12 tain the Works; to pay interest charges on bonds or other obliga-
13 tions; to provide the sinking fund required for revenue bonds
14 heretofore issued; to provide adequate money to be used as
15 working capital; to provide adequate money for improving and
16 replacing the Works; and to provide the amount of money suf-
17 ficient to compensate the City for the property taxes that would
18 be paid on the Sewage Works if the Sewage Works were privately
19 owned; and,

20 WHEREAS, certain terms and conditions incident to the
21 rendering of efficient and non-discriminatory service to users of
22 the Sewage Works should be amended and revised to reflect current
23 operating conditions;

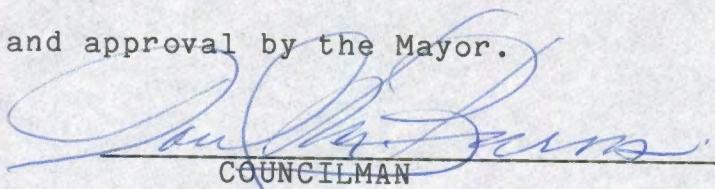
24 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
25 THE CITY OF FORT WAYNE, INDIANA:

26 SECTION 1. That Chapter 24 of the Municipal Code of the
27 City of Fort Wayne, Indiana, as presently enacted, is repealed in
28 its entirety and substituted therefor shall be an amended and
29 revised Chapter 24 as attached hereto and made a part hereof and
30 identified as Exhibit "A".

31 SECTION 2. That this Ordinance be adopted after a
32 public hearing has been held pursuant to I.C. 36-9-23-26 and duly

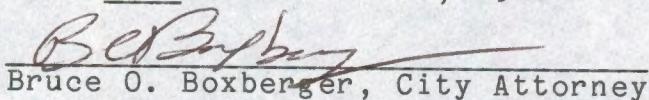
1 published notice thereof pursuant to I.C. 5-3-1.

2 SECTION 3. That this Ordinance shall be in full force
3 and effect, and the new rates and charges contained herein shall
4 take effect, upon passage and approval by the Mayor.


John W. Burns

5 COUNCILMAN

6
7 APPROVED AS TO FORM AND LEGALITY.
8 THIS 10 DAY OF APRIL, 1986

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Bruce O. Boxberger, City Attorney

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Read the first time in full and on motion by Burns, seconded by Eastep, and duly adopted, read the second time by title and referred to the Committee City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock M., E.S.

DATE: 4-8-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEWER

Read the third time in full and on motion by Burns, seconded by J. T. Tice, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>			
<u>BRADBURY</u>		<u>✓</u>			
<u>BURNS</u>		<u>✓</u>			
<u>EISBART</u>	<u>✓</u>				
<u>GiaQUINTA</u>	<u>✓</u>				
<u>HENRY</u>	<u>✓</u>				
<u>REDD</u>	<u>✓</u>				
<u>SCHMIDT</u>		<u>✓</u>			
<u>STIER</u>	<u>✓</u>				
<u>TALARICO</u>	<u>✓</u>				

DATE: 4-22-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 9-16-86
on the 22nd day of April, 1986,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 23rd day of April, 1986,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of April,
1986, at the hour of 11:45 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

CHAPTER 24

SEWERS AND SEWERAGE SYSTEM

Article I. General

Sec. 24-1. Definitions.

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this Chapter and as used in the rules and regulations adopted by the Board of Public Works implementing the provisions of this Chapter are as set out below respectively:

- 101. "Act": the Federal Water Pollution Control Act, also known as "The Clean Water Act," as amended, 33 U.S.C. 466, as referred to at I.C. 13-1-4-1.
- 102. "Applicable Pretreatment Standards" - Any pretreatment limit or prohibitive standard (Federal, State, and/or Local) contained in the ordinance and considered to be the more restrictive with which non-domestic users shall be required to comply.
- 103. "Biochemical Oxygen Demand (BOD)" - the quantity of dissolved oxygen, in milligrams per liter, required during the stabilization of the decomposable organic matter by aerobic biochemical action of sewage, sewage effluent, polluted waters, or industrial wastes under standard laboratory procedures for five days at 20° centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see paragraph 138 below).
- 104. "Building (or House) Drain": that part of the lowest horizontal piping of a building drainage system that receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to a point outside the foundation wall of the building.
- 105. "Building (or House) Drain Connection": the point where the Building (or House) sewer is connected to the building drain at a location approximately three (3) feet outside the foundation wall of the building.
- 106. "Building (or House) Sewer" - the pipe which is connected to the Building (or House) drain at a point 3± feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.
- 107. "Building (or House) Sewer Connection" - the point where the building sewer is connected to the public sewer. This connection to the public sewer may be accomplished as follows:

107.1 Where a tap-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the sewage system and the tapping "saddle and/or joint" shall be considered part of the building sewer.

107.2 Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the said T or Y fitting shall be considered a part of the building sewer.

-108. "Bulk Waste" - any containerized solid, liquid or gaseous substance discarded or to be discarded as worthless, defective, or of no use to the person discarding said substance.

-109. "Chemical Oxygen Demand (COD)" - a measure of the oxygen equivalent to that portion of the organic matter in a sample of sewage, sewage effluent, polluted waters, or industrial wastes that is susceptible to oxidation by a strong chemical oxidant. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

-110. "City" - the City of Fort Wayne, Indiana.

-111. "Classification of Users"

111.1 "Domestic Class User" - a user discharging only normal domestic sewage, as herein defined, into the system.

111.2 "Commercial Class User" - a user falling within Division G of the "Standard Industrial Classification Manual," 1972, United States Office of Management and Budget as currently amended and supplemented. A copy is on file in the office of the Supervisor of Industrial Waste Control.

111.3 "Industrial Class User" - a user falling within Divisions A, B, D, E, or I of the "Standard Industrial Classification Manual," 1972, United States Office of Management and Budget, as currently amended and supplemented. A copy is on file in the Office of the Supervisor of Industrial Waste Control. A user described in the divisions listed herein may be excluded if it is determined, by the City, that such user will introduce primarily segregated domestic waste or waste from sanitary conveniences. Users not listed therein may be included in this class of customer because of the production of excess strength of waste or toxics in excess of limits described hereinafter.

- 112. "Dwelling": a building, or a portion thereof, under one roof used primarily as the abode of one or more persons, but not including hotels, motels, lodging or boarding houses or tourist homes.
- 113. "Effluent" - the water, together with any wastes that may be present, flowing out of a drain, sewer receptacle or outlet.
- 114. "Emergency" - an unforeseen circumstance or combination of circumstances that may cause an eminent endangerment to the health and/or welfare of persons, the environment, or which may interfere with the operation of the sewer collection system or the Water Pollution Control Plant.
- 115. "Garbage" - any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce.
- 116. "Ground Garbage" - garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half ($\frac{1}{2}$) inch in any dimension.
- 117. "Industrial Wastes" - any solid, liquid or gaseous substance, or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business operation or process or from the development, recovery or processing of any natural resource carried on by any person.
- 118. "Influent" - the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
- 119. "Major Industrial User" - a user of the City-owned treatment works that: (a) has a flow of 50,000 gallons of water or more per average work day; (b) has a flow of waste greater than 5% of the flow carried by any part of the City system receiving the waste; (c) has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 307 (a) of the Federal Act ; or (d) is found by the Indiana Department of Environmental Management, in connection with the issuance of the NPDES Permit to the City-owned treatment works receiving the waste, to have significant impact whether singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
- 120. "Normal Domestic Sewage" - sewage having an average daily suspended solids concentration of not more than 300 milligrams per liter, an average daily BOD concentration of not more than 300 milligrams per liter, and an average

daily phosphorus concentration of not more than 10 milligrams per liter and an average daily ammonia concentration of not more than 25 milligrams.

- 121. "NPDES Permit" - the National Pollutant Discharge Elimination System Permit issued by the Indiana Department of Environmental Management for discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.
- 122. "Operation and Maintenance Costs" - all costs direct and indirect, other than debt services including replacement costs as defined in paragraph 128, necessary to insure adequate wastewater treatment on a continuing basis conforming with federal, state or local requirements, and to insure long-term facilities management.
- 123. "Outlet" - any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
- 124. "Person" - any individual, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity.
- 125. "pH" - the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
- 126. "Pollutants" -
 - 126.1 "Compatible Pollutants" - waste containing biochemical oxygen demand, chemical oxygen demand, suspended solids, phosphorus, pH, and fecal coliform bacteria and ammonia NH_3 .
 - 126.2 "Incompatible Pollutants" - wastes with any pollutant that is not a compatible pollutant such as "slug load" that would cause damage to the sewage system and/or treatment plant.
- 127. "Receiving Stream" - the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
- 128. "Replacement Cost" - that cost, stated in current monetary values, as an operating cost which represents and measures the day-to-day consumption and attrition of physical assets in rendering service to users.
- 129. "Sanitary Sewage" - sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels, hotels, lodging or boarding houses, office

buildings, factories or institutions and free from storm waters, surface water and industrial wastes.

-130. "Service Charge" - the basic assessment levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above which a strength-of-waste surcharge will be made.

-131. "Sewage" - the water-carried wastes from residences, business buildings, institutions and industrial establishments, singularly or in any combination, together with such ground, surface, and storm waters as may be present.

-132. "Sewage Treatment Plant" or "Water Pollution Control Plant" - the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

-133. "Sewage Utility" or "Water Pollution Control Utility" - all facilities and systems for collecting, transporting, pumping, treating, disposing of sewage and sludge, including the sewage treatment plant, and the sanitary and storm collection systems whether or not in active use.

-134. "Sewer" - a pipe or conduit for carrying sewage and other waste liquids as differentiated below:

134.1 "Combined or Combination Sewer" - a sewer which carries storm, surface, and groundwater runoff as well as sewage.

134.2 "Public Sewer" - a sewer to the use of which all owners of abutting property have equal rights and is controlled and maintained by the City or other public authority.

134.3 "Sanitary Sewer" - a sewer which carries sanitary sewage and to which storm, surface, groundwaters and unpolluted industrial waste waters are not intentionally admitted.

134.4 "Storm Sewer" - a sewer which carries storm, surface and groundwater drainage but excludes sanitary sewage.

-135. "Sewer Engineer" - the Chief Sewer Engineer of the City or his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer."

-136. "Sewerage System" - the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.

- 137. "Shall" means mandatory; "may" means permissible.
- 138. "Standard Methods" - the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy of which is on file in the Office of the Superintendent of the Waste Water Pollution Control Plant.
- 139. "Strength-of-Waste Surcharge" - the additional charges for sewage service collected from users discharging sewage into the system having a strength measurement in excess of the limits imposed by the provisions of this Chapter.
- 140. "Superintendent" - the Superintendent of the Sewage Treatment Plant (Water Pollution Control Plant) of the City, or his duly authorized representative.
- 141. "Suspended Solids" - solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration is expressed in milligrams per liter. Quantitative determinations are made in accordance with procedures set forth in "Standard Methods."
- 142. "Waste Surveillance Charge" - a monthly charge collected from users, qualifying as industrial or commercial class users, to defray the cost of evaluating that user's waste by metering, sampling, laboratory analysis, and/or other methods deemed necessary. Said charges are set forth in Article VII and are subject to review annually as provided in Section 24-39.
- 143. "Watercourse" - a channel in which a flow of water occurs either continuously or intermittently.

Sec. 24-2. Rules and Regulations-Board of Works Authority.

The Board of Public Works of the City shall, in accordance with the Statutes of the State of Indiana, and subject to the provisions and requirements of this Chapter, make and enforce appropriate rules and regulations for the safe, economical and efficient management and operation of the City's Sewage Utility, for the construction and use of sewers, building sewers, appurtenances, and connections to the sewerage system; for the regulation, collection, and refunding of rates and charges for sewerage service; and for the implementation of the provisions of this chapter.

Sec. 24-3. Requirements for Connection to Public Sewers.

- 1 No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained from the City and until owner has satisfied the obligation to pay all assessments, reimbursements and pro rata shares of sewer extension costs laid against that property for public sewers which serve it. A sewer tap permit given in error shall not operate to nullify any such obligation that has been duly recorded nor estop the City from charging and collecting such costs at any subsequent time.
- 2 Notwithstanding the foregoing, the Utility may, in accordance with policies and procedures adopted by the Board of Public Works from time to time, permit an owner or occupant to tap or drain into a public sewer and to defer, in whole or in part, payment of the obligation, upon the execution and delivery to the Utility of a note, mortgage, lien document or other evidence of obligation acceptable to the Utility.
- 3 All such deferred obligations shall be considered for the purposes of Indiana Code Sections 36-9-23-31 through 36-9-23-34 to be fees assessed against real property.
- 4 Installments of deferred obligations, including any finance charges or interest chargeable thereon, shall be deemed to be "charges for sewerage service" for the purposes of Articles VIII and IX of this Ordinance.
- 5 Sewer tap permits shall be obtained from the City's New Water and Sewer Permit Office and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Utility a fee of fifty dollars (\$50.00) for each sewer tap permit for a standard six-inch service, a fee of ninety dollars (\$90.00) for each sewer tap permit for a special six-inch service (such as a sewer tap into a collection system manhole) and a fee of ninety dollars (\$90.00) for each sewer tap permit for a sewer service larger than six-inches. The aforementioned charges will apply to similar types of taps into the City storm sewer system. Not later than 48 hours after making each sewer tap and building of the sewer installation, the tap contractor or property owner shall notify the New Water and Sewer Permit Office of such connections so that an inspection may be made by the Utility prior to backfilling the said sewer installation.

- 6 No person shall connect any roof downspout, exterior foundation drain, or other source of surface runoff or groundwater to a building sewer or building drain which is connected either directly or indirectly to a sanitary sewer of the City.
- 7 The Board of Public Works shall have the authority to require an owner of real property to disconnect any downspouts, yard drains, or other drains which carry the runoff of natural precipitation from a building sewer which drains into a sanitary sewer. Property owners shall have thirty (30) days after notice thereof to comply with any such requirement.
- 8 A new connection may be made to a City sewer or sewers connected to the City system only after there has been adequate assurance by the City that the downstream facilities of the sewage works have adequate capacity to transmit and treat the new waste loadings.
- 9 No person shall make use of a sewer tap or backfill or otherwise conceal a sewer installation unless and until the same has been inspected and approved by the Utility. In addition to all other remedies, the Utility may cause the said installation of sewer tap to be excavated and exposed, may terminate the connection, and may require the owner or occupant to pay or reimburse the Utility for its costs and expenses in such excavation, exposure, termination, reconnection and restoration. Such costs and expenses shall be considered as charges for sewerage treatment services and may be collected in accordance with the provisions of Indiana Code 36-9-23-31 through 36-9-23-34 and Article IX of this Chapter.

Sec. 24-4. Extensions of Sewers Outside Corporate Limits.

The installation, construction, or extension of sanitary sewers by private developers or by the City outside the corporate limits of the City and the connection of said sanitary sewers into the City's sewage system from, by, to, or for properties located outside such limits is prohibited, except with the approval of the Board of Public Works by duly enacted resolution, provided that a resolution ratifying an agreement and/or contract for such construction and connection, shall be deemed to constitute such approval.

Sec. 24-5. Connections to Sewerage System by Certain Out-of-City Properties.

Notwithstanding the provisions of Sec. 24-4, the Board of Public Works shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sanitary sewer which is part

of the City's sewerage system, when the property abuts, adjoins, or is immediately contiguous to the street, alley, or easement in which such sewer is located and provided the property owner or occupant has complied with the requirements prescribed by Sec. 24-3 of this Chapter.

Sec. 24-6. Enforcement

The provisions of this Chapter shall be enforced by the Superintendent of the Water Pollution Control Plant and such deputies as he, with the approval of the Board of Public Works, may appoint for such purposes. Whenever said Superintendent or any such deputy shall deem it appropriate to charge a landowner with a violation(s) of this Chapter, he shall issue to such landowner a Notice of Violation, and/or Summons, which shall be processed according to the provisions of Indiana Code (34-4-32-1).

Sec. 24-7. Penalty for Violations

Any landowner, firm or corporation who violates or fails to comply with any provision of this Chapter or of the Rules and Regulations of the Board of Public Works pertaining thereto, shall be deemed to have committed a Class B infraction and upon conviction thereof be subject to a fine of up to \$1000.00 per infraction as provided by Indiana Code 34-4-32-4. Each day that such violation(s) or noncompliance continues shall constitute a separate offense.

Sec. 24-8. Damage to City Property Prohibited.

It shall be unlawful for any unauthorized person, firm, or corporation to maliciously, willfully, or negligently break, damage, destroy, remove, deface, or tamper with any structure, appurtenance, or equipment which is part of the City sewage system or belongs to the Water Pollution Control Plant of the City.

Sec. 24-9 Dilution

It shall be unlawful for any person, firm, or corporation to increase the use of potable water or process water in any way, or mix separate waste-streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with applicable standards.

Sec. 24-10 Accidental Discharges

- 1 Each discharger must provide protection from accidental discharge of prohibited or regulated materials or substances to sewers of the City of Fort Wayne. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials must be provided and maintained at the discharger's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and be approved by the City before construction of the facility. Review and approval of plans and operating procedures by the City shall not relieve the discharger from the responsibility to

modify its facility as necessary to meet applicable federal, state and local requirements.

- 2 Dischargers shall notify the Superintendent of the Water Pollution Control Plant, or his representative, immediately when a "slug load" or accidental discharge occurs. A written report shall be submitted within five (5) days of incident. The notification must include the location of the discharge, date and time of occurrence, type of waste, concentration and volume, and corrective actions taken. Any industrial user who discharges a "slug load" of prohibited materials will be liable for any expense, including loss or damage to the Water Pollution Control Utility sewerage system in addition to the amount of any fines imposed upon the City under state or federal law.
- 3 Signs must be permanently posted in conspicuous places on the discharger's premises, advising employees whom to call in the event of an accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge as to the emergency notification procedures.

Article II - Permitted Commercial and Industrial Wastes

Sec. 24-11. Prior Approval for Certain Wastes.

Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any commercial or industrial class customer of sewage whose wastes have:

- 101 Either a BOD content greater than 300 milligrams per liter or a COD greater than 600 milligrams per liter.
- 102 A suspended solids content greater than 300 milligrams per liter.
- 103 A phosphorus content greater than 10 milligrams per liter.
- 104 An ammonia content greater than 25 milligrams per liter.
- 105 Other contaminants which from either nature or quantity will: (a) interfere with the operation of any portion of the Sewage Utility; (b) pass through the treatment works or otherwise be incompatible with such works; (c) prevent the reclamation and/or recycling of municipal or industrial wastewater and sludges.

Sec. 24-12. Pretreatment Facilities - General

When, after making such a review, the Superintendent concludes that, before the owner discharges waste into the public sewers, the owner must modify or

eliminate those constituents which would be harmful to the structures, processes, or operations of any portion of the Sewage Utility or injurious to health, then that owner shall either modify the wastes at the point of origin or shall provide and operate, at owner's expense, such preliminary treatment and processing facilities as may be deemed necessary to render owner's waste acceptable for admission into the public sewers.

Sec. 24-13. Pretreatment Facilities - Prior Approval

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval. No construction of such facilities shall begin until the Superintendent has given written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results of acceptable waste concentrations desired. The approval of proposed facilities and/or equipment by the City does not in any way guarantee that these facilities and/or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve an owner, firm, or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

Sec. 24-14. Pretreatment Facilities - Operation

Where such preliminary treatment facilities are provided, they shall be maintained, continuously, in satisfactory and effective operating condition at the owner's expense and shall be subject to periodic inspection by the City. The owner shall maintain suitable operating records which shall be open to inspection by the City, and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the Superintendent may require. All records and reports shall be retained for a minimum of three (3) years. All industry whether Categorical or Non-Categorical industry shall comply with all requirements of 40 CFR 403.12.

Sec. 24-15. Categorical Pretreatment Standards

As part of this Ordinance the City shall enforce all Federal Categorical Pretreatment Standards upon the Categorical Industries within its service area or the service are of any Contract Customers.

Article III - Prohibited Industrial and Commercial Discharges

Sec. 24-16. Prohibitions and Limitations

Except as hereinafter provided, no owner shall discharge or cause or permit to be discharged into the public sewer any of the following described substances, wastes, or waters:

- 101 Any liquid or vapor having a temperature greater than 140° Fahrenheit or causing the temperature at the influent to POTW to exceed 104° Fahrenheit.
- 102 Any waters or wastes containing more than 100 milligrams per liter of grease, oils, fats, or waxes.

- 103 Any gasoline, benzene, naptha, fuel oil, mineral oil or any other flammable or explosive solid, liquid or gas.
- 104 Any noxious or malodorous gas or substance which either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into the sewers for their maintenance or repair.
- 105 Any garbage that has not been properly pretreated and reduced per Sec. 24-1-116.
- 106 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Sewage Treatment Plant.
- 107 Any waters or wastes having a pH less than 6.0 or greater than 10.0, or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment, or personnel of the Sewage Utility.
- 108 Any waters or wastes containing toxic substances, as defined under Section 307 (b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological process of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set forth by federal, interstate, state or other competent authority having jurisdiction, or will prevent the disposal of the sludges by the Plant in accordance with Section 405 of said Act.
- 109 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes of I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system, as further defined in the General Rules and Regulations.
- 110 Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of BOD or suspended solids of the user's sewage discharged during a 24 hour period of normal operation.
- 111 Any waters or wastes containing suspended solids of such character and quantity that unusual provisions, attention and expense would be required to

handle such materials at the Sewage Treatment Plant, its pumping stations, or other facilities.

- 112 Any waters or wastes containing incompatible pollutants as herein described.
- 113 Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Sewage Treatment Plant, that will pass through the plant into the receiving waters, or accumulate in the sludges in an amount exceeding the limitations, set forth by any federal, state, interstate, or local authority, whichever is more stringent. Specifically excluded are any waters or wastes containing toxic ions, compounds, or substances in concentrations or amounts exceeding the limitations set forth by the Board of Public Works and published in the General Rules and Regulations.
- 114 Any bulk waste, either industrial or domestic, without prior written approval of the Superintendent.
- 115 Any substances with objectional color not removed by the treatment process, such as, but not limited to dye waste and vegetable tanning solutions.
- 116 The City reserves the right to refuse, deny or revoke the connection of any user in the event the sewerage service requirements of the user, in the judgment of the Superintendent could or would impose an excessive burden on the utility or in the event the user is or has been in repeated violation of this Ordinance. The City further reserves the right in the event of any emergency, to restrict the allowable discharge received from any or all large users of the sewerage system during the time of such emergency.

Sec. 24-17 Responsibility for Obstructing or Damaging Sewers

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharges shall reimburse the City for the expenses incurred by the City for cleaning out, repairing, rebuilding the sewer or for any litigations or damage claims resulting therefrom, including legal fees and court costs.

Article IV - Control of Admissible Industrial and Commercial Wastes

Sec. 24-18. Submission of Data on Industrial Waste.

- 1 Any owner who discharges industrial waste into the City's sewerage system either directly or indirectly, shall forthwith fill out and file, with the Superintendent, an Industrial Waste Questionnaire, the form for

which will be furnished by the City in which he shall set out the quantity and characteristics of the wastes discharged into the City's sewerage system. Any owner desiring to establish a new connection to the public sewer or to establish a new account with utility for the purpose of discharging industrial or commercial waste shall first fill out and file with the Superintendent such a questionnaire which shall set out the actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

-2 Any Industry who changes or proposes to change manufacturing or pretreatment processes shall first notify the POTW, in writing, and submit a new or revised Industrial Waste Questionnaire for review by the Superintendent.

-3 Any person who knowingly makes any false statement representation, or certification in any application, report, or other document required by the municipal ordinance or other applicable regulations shall, upon conviction be punished by the imposition of a civil penalty as required by local and/or state statutes.

-4 When special circumstances render it an unreasonable burden to comply with the time schedule determined by the Utility for the correction of any industrial waste discharge problem, an extension of time, not to exceed 90 days, may be granted by the Superintendent upon presentation in writing of an application for such relief.

Sec. 24-19. Confidential Information.

Information and data furnished to the City by a discharger shall be made available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate as per 40 CFR 2.203 and 330 IAC 5-1.5-8 that the release of such information would divulge information, methods of production entitled to protection as trade secrets, or proprietary information of the discharger. However, under no circumstances may the volume nor the components of the discharge be considered confidential. All requests, by the discharger, for confidentiality of information shall be made in accordance to and governed by the provisions of 330 IAC 5 and 40 CFR 2.

Sec. 24-20. Control Manholes.

Any owner who discharges or may discharge industrial wastes into a public sewer via any means such as floor drains, sinks, catch basins, etc., shall be required by the Superintendent to construct and maintain, at his own expense, one or more control manholes, at a specified location or locations, to facilitate the observation, measurement, and sampling of owner's waste. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Superintendent may also require the person to install and maintain in any such manhole, at said person's expense, an approved volume-measuring device. Plans and/or shop drawings for the installation of control manholes and related equipment shall be approved by the Superintendent before any construction is begun.

Sec. 24-21 Grease and Sand Traps

Whenever the Superintendent determines that interceptors or traps are needed to protect the sewerage collection system or the Sewage Treatment

Plant from grease, oil, sand, or similar substances occurring in the user's sewage and so notifies the user, then such traps shall be promptly installed by the user, on owner's lines, at owner's expense and shall be so maintained by owner that none of such substances can be carried over into the public sewers. All traps or interceptors shall meet the City's standards as to construction, location, and installation.

Sec. 24-22 Waste Sampling.

- 1 Any Industrial user shall be subject to periodic inspections by the City for the purpose of determining compliance with compliance limitations, solvent management plans or spill prevention plans, identifying dilution streams, or to categorize regulated processes. These inspections may consist of monitoring waste streams, inspection of the premises, inspection and/or copying of production records, pretreatment operating records, and other records or data deemed necessary by the inspector for the purposes stated above.
- 2 The installation, operation, and maintenance of the sampling facilities shall be the responsibility of the owner discharging the wastes and shall be subject to the approval of the Superintendent. Access to the sampling facilities shall be granted, at all times, to the Superintendent.
- 3 Where an owner's operations have security measures in force which require proper identification and clearance before entry onto said owner's property is granted, such owner or owners shall make the necessary arrangements with their security personnel that upon showing of proper identification personnel from the City shall be permitted to enter, without delay, for the purpose of observing or monitoring of wastes being discharged at a given point or points or that owner or owners shall install suitable control manholes outside of the security area or areas, which at all times will be immediately available to City personnel.

Sec. 24-23. Waste Analysis Procedures and Charges.

Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" or "Guidelines Establishing Test Procedures for Analysis of Pollutants," as set forth in the Code of Federal Regulations 40 CFR 136.

- 1 Charges to Users
Alternate methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the User. In the event of a dispute between the Superintendent and the User as to the characteristics, strength, toxic nature or other particulars of the sample taken and analyzed by the City, either party may request that the sample in

dispute be analyzed by a mutually acceptable referee whose charges shall be paid by the party requesting the analysis. Analyses made by the City at the request of the User, shall be charged to the User according to the Utility's standard work order billing procedure. All such analyses shall be binding in determining strength-of-waste surcharges and other matters dependent upon the character and concentration of wastes.

- 2 Charges to Governmental Agencies
Analyses run by the Water Pollution Control Plant Laboratory for any governmental agency, or political sub-division of a City, County or State shall be billed to such agency or subdivision for direct labor and expenses according to the Utilities standard work order billing procedure. Analyses run for other agencies shall not have priority over the regular Water Pollution Control Plant analyses unless in the judgment of the Superintendent the urgency of the analysis should have such priority.
- 3 Charges for Outside Services
Analyses run by the Water Pollution Control Plant Laboratory for any person, firm or corporation shall be billed at the rate established by the Water Pollution Control Plant Laboratory for such analyses.
- 4 Charges Collected
All waste analysis charges collected under Section 24-23-1 ~~through~~ above shall be recorded as credits to the operating costs of the Water Pollution Control Plant and a quarterly accounting thereof shall be forwarded to the Superintendent. All such charges are to be used to defray the operations and maintenance expenses incurred by the Water Pollution Control Plant in performing said analyses.

Sec. 24-24. Use of Representative Analysis.

Until an adequate analysis of a representative sample of user's wastes has been obtained, the City may, for the purpose of this Chapter, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the United States Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article V. Service Charges Based on Water Usage

Sec. 24-25. Water Obtained from the City's Water Utility.

The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into the system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.

Sec. 24-26. Water Obtained from Other Sources.

Where the property obtains any part of all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the quantity of water obtained from these other sources.

Sec. 24-27. Exempt Water - General

Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

Sec. 24-28. Metering of Sewage.

The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installation and no such service, once installed, shall be removed without the City's approval.

Sec. 24-29. Reserved

Article VI. User Charges

Sec. 24-30. Domestic User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

Service Charge (cents per 100 cu. ft.)

Treatment	34.23
Conveyance, Collection, Billing	22.60
Capital	<u>2.96</u>
 Total User Charge	 <u>59.79</u>

Sec. 24-31. User Minimum Charges and Other Fixed Payments

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-30 does not exceed the minimum monthly charge for each class of user as set forth thereafter, user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.89
1 - 1 $\frac{1}{2}$ "	10.20
2"	20.80
3"	41.80
4"	69.49
6" or larger	193.00

User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Dwelling	\$ 5.98	\$ 7.17
Domestic User - Multi Family Dwelling	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Monthly flat charges for commercial and industrial establishments may be based either on number of employees; the manufacturing processes used; other pertinent sewer use indicators; or outfall measurements where such data is available.

The Utility shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by the Utility at any time. However, no adjustment, additional charge or refund may be made more than six (6) years after the due date of the billing sought to be adjusted.

Inbalco Capital Surcharge - per month \$ 4.65

Sec. 24-32. Manufacturing User Charges.

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for the following classifications of service:

<u>Service Charge (cents per 100 cu. ft.)</u>	
Treatment	34.23
Conveyance, Collection, Billing	14.84
Capital	<u>2.18</u>
Total User Charge	<u>51.25</u>

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8" - 3/4"	2.89
1 - 1/2"	10.20
2"	20.80
3"	41.80
4"	69.49
6" or larger	193.00

Other Manufacturing User Charges

-1 Monthly billing charge - per bill \$ 2.50

-2 Excess Strength of Wastes Surcharge

In the event a manufacturing user contributes waste having a ~~low~~ strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	4.17
Biochemical Oxygen Demand - (BOD)	4.63
Phosphorus - (P)	37.61
Ammonia (NH-3)	11.41

Sec. 24-33. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

-1 Volume Charge (cents per 100 cu. ft.)
Treatment 20.52
Capital Charge 12.88
33.40

-2 Variable Charge (cents per 100 cu. ft.)
A variable charge for conveyance and collection costs attributable to the portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

-3 Flat Charge
In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$2.50 and a monthly surveillance charge of \$100.00.

-4 Excess Strength of Waste Surcharge
In the event a contract customer contributes waste having a toxic strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	4.17
Biochemical Oxygen Demand - (BOD)	4.63
Phosphorus - (P)	37.61
Ammonia - (NH3)	11.41

-5 Capital Surcharge
In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

-6 Other Provisions
In the event sewage received pursuant to any contract entered into under this section exceeds

any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any noncontract user by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a Sewer Use Ordinance and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204 (b) (1). Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-34. Bulk Waste Charges.

Industrial - For all industrial waste suitable for disposal directly through the plant digesters which has been delivered by the Customer to City's plant - \$193.60 per load. For purposes of computing charges hereunder, a load is defined as 5000 gallons of tank capacity or fraction thereof.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$23.25 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-35. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus per year, with the unit charges currently in effect from which the board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

- 1 A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.
- 2 Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost

of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Article VII. Strength-of-Wastes Surcharge

Sec. 24-36. Liability for Surcharge.

Each user discharging wastes into the sewerage system shall be subject to a strength-of-wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than:

- 1 Biochemical oxygen demand of 300 milligrams per liter.
- 2 Chemical oxygen demand of 600 milligrams per liter.
- 3 Suspended solids content of 300 milligrams per liter.
- 4 Phosphorus content of 10 milligrams per liter.
- 5 Ammonia content of 25 milligrams per liter.

Sec. 24-37. Computation of Surcharge.

The surcharge shall be determined as follows:

The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, phosphorus and ammonia will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter, of the BOD (or COD), suspended solids, phosphorus and ammonia respectively in the user's sewage and (b) the allowed concentrations set out in Section 24-36. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Section 24-33-4. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

Sec. 24-38. Waste Evaluation Charges

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$100.00 per discharge point.

Sec. 24-39. Revision of Rates of Surcharge.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD, suspended solids, phosphorus and ammonia from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed and request legislative enactment of said changes by the Common Council.

Article VIII. Billing of Service Charges

Sec. 24-40. Billing Period.

- 1 Charges for sewerage service shall be computed and billed by the General Office of the City Utilities. Bills shall be rendered approximately monthly, unless additional billing is required to reflect customer changes, meter changes, service terminations, initial billings, or is otherwise required to adjust billing cycles.
- 2 Billings for sewerage service shall be rendered with and shall be due and payable on the same due date as billings for water service to the same premises, if any, and if none, then within such billing cycle as the Utility may determine.

Sec. 24-41. Liability for Payment.

- 1 Charges for sewerage service shall be billed to the person being billed for water service, if any, unless by contract with the Utility, another person assumes responsibility for payment. Notwithstanding billing to, and assumption of responsibility by any person, charges for sewerage service shall remain the responsibility of the owner of the real estate, who shall hold the Utility harmless from any loss occasioned by the delinquency of the person billed, including all penalties, recording fees, attorney's fees, interest and court costs, if any.
- 2 The owner of the real estate shall have the right to examine the Utility's records of billing and collection to ascertain whether such charges have been paid, and the amount thereof.
- 3 Nothing herein contained shall permit the owner, or any person other than the person being billed, to inspect, examine or otherwise obtain confidential information including the income, employment, finances, or social security number of the person being billed.

Sec. 24-42. First Billings.

The rates, charges and surcharges fixed in this chapter shall extend to and cover any additional premises hereafter served, without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the charges for sewerage service for such billing shall be made in accordance with standard practice employed by the City's Water Utility.

Sec. 24-43. City Subject to Charges.

For sewerage service rendered to the City, or any department, structure or property, thereof, the City shall be subject to the same rates and charges herein established for other persons, or to rates and charges established in harmony herewith.

Sec. 24-44. Consolidation of Accounts.

Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings may be made for the purpose of calculating the sewerage service charge.

Sec. 24-45. Notice of Capital Surcharge.

The City Clerk shall certify a copy of Special Ordinance No. S-233-81, enacted October 28, 1981, and all amendments thereto, heretofore or hereafter adopted, and shall record such certified copy in the Office of the Recorder of Allen County, Indiana to provide constructive notice to the owners and purchasers of real property in Adams Township and St. Joseph Township that a capital surcharge may be imposed upon properties connected to, or to be connected to, the City Utility Sewerage System, in those areas of said townships formerly served by sewerage systems purchased or otherwise acquired by the City Utility.

Article IX. Delinquent Accounts

Sec. 24-46. How Delinquencies Arise.

Charges for sewerage service levied pursuant to this Chapter shall be due and payable on or before the due date stated on the bill. Any charge for sewerage service not paid by the due date shall be delinquent, and may be collected, with any applied penalty, recording fees, service charges, attorney's fees, interest and court costs, if any, in accordance with this Chapter and with Indiana Code Sections 36-9-23-31 through 36-9-23-34. A penalty of ten percent (10%) of the amount of the charges for sewerage service shall be attached to the delinquent charges.

Sec. 24-47. Collection Through Shutting Off Water Service.

Where the property having a delinquent account for charges for sewerage service is served by the City's Water Utility, the Utility may, after

reasonable notice to the person being billed, as provided by the Rules and Regulations of the Utility adopted by the Board of Public Works, shut off water service to the property. Water service shall not be restored until the delinquent account, together with the costs of turning off and turning on the water, shall have been paid.

Sec. 24-48. Collection Through Terminating Sewer Service.

In addition to all other remedies provided, the Utility may, after reasonable notice to the person being billed, as provided by the Rules and Regulations of the Utility adopted by the Board of Works, terminate sewerage service to the property. Sewerage service shall not be restored until the delinquent account, together with the costs of terminating and reconnecting the sewer service, shall have been paid.

Sec. 24.49 List of Delinquent Fees and Penalties - Tax Duplicates - Collection.

Delinquent charges for sewerage services, and applied penalties, recording fees, and service charges may be made a lien upon the property and may be collected in accordance with the provisions of Indiana Code 36-9-23-32 and 36-9-23-33.

Sec. 24-50. Collection Through Court Actions.

In addition to the foregoing remedies, the Utility may recover the amount of the charges for sewerage services, penalty, and a reasonable attorney's fee in a civil action, and may foreclose a lien established by this Chapter in accordance with Indiana Code 36-9-23-34.

Sec. 24-51. Reserved.

Article X. Accounting for Sewerage Service Charges

Sec. 24-52. The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewage Works Improvement Fund as required by prior ordinances relating to the issuance of sewage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

Sec. 24-53. Severability.

-1 The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

- 2 All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne of 1974 in conflict herewith are hereby repealed.

- 3 That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and due legal publication thereof.

1 BILL NO. G-86-04-

2 GENERAL ORDINANCE NO. G-_____

3 AN ORDINANCE REPEALING CHAPTER 24 OF THE FORT WAYNE
4 MUNICIPAL CODE AND SUBSTITUTING AND ENACTING THEREFOR
5 A NEW CHAPTER 24 ENTITLED "SEWERS AND SEWERAGE SYSTEM"
FOR THE PURPOSE OF ADJUSTING RATES AND OTHER PROVISIONS
SET FORTH THEREIN.

6 WHEREAS, the Common Council now finds that the fees
7 charged for services rendered by the Sewage Works owned and
8 operated by the City of Fort Wayne are not sufficient to maintain
9 the Sewage Works in the sound physical and financial condition
10 necessary to render adequate and sufficient service and that said
11 fees are not sufficient to pay all expenses to operate and main-
12 tain the Works; to pay interest charges on bonds or other obliga-
13 tions; to provide the sinking fund required for revenue bonds
14 heretofore issued; to provide adequate money to be used as
15 working capital; to provide adequate money for improving and
16 replacing the Works; and to provide the amount of money suf-
17 ficient to compensate the City for the property taxes that would
18 be paid on the Sewage Works if the Sewage Works were privately
19 owned; and,

20 WHEREAS, certain terms and conditions incident to the
21 rendering of efficient and non-discriminatory service to users of
22 the Sewage Works should be amended and revised to reflect current
23 operating conditions;

24 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
25 THE CITY OF FORT WAYNE, INDIANA:

26 SECTION 1. That Chapter 24 of the Municipal Code of the
27 City of Fort Wayne, Indiana, as presently enacted, is repealed in
28 its entirety and substituted therefor shall be an amended and
29 revised Chapter 24 as attached hereto and made a part hereof and
30 identified as Exhibit "A".

31 SECTION 2. That this Ordinance be adopted after a
32 public hearing has been held pursuant to I.C. 36-9-23-26 and duly

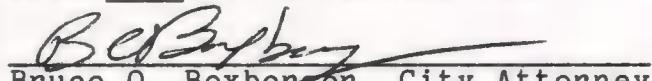
1 published notice thereof pursuant to I.C. 5-3-1.

2 SECTION 3. That this Ordinance shall be in full force
3 and effect, and the new rates and charges contained herein shall
4 take effect, upon passage and approval by the Mayor.

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6

COUNCILMAN

7 APPROVED AS TO FORM AND LEGALITY.
8 THIS 10 DAY OF APRIL, 1986

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Bruce O. Boxberger, City Attorney

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15 working capital; to provide adequate money for improving and
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19 owned; and,

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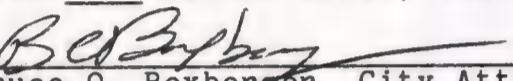
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COUNCILMAN

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8 THIS 10 DAY OF APRIL, 1986

9 
Bruce O. Boxberger, City Attorney

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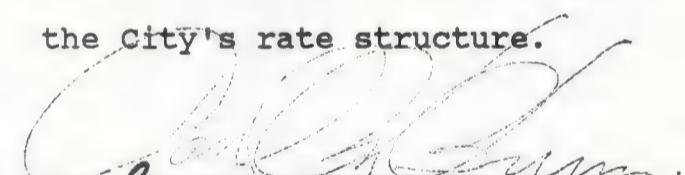
RESOLUTION

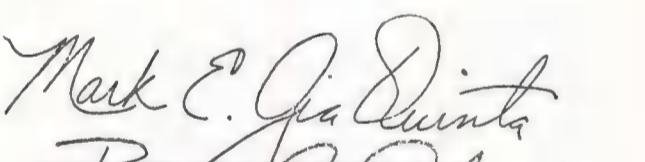
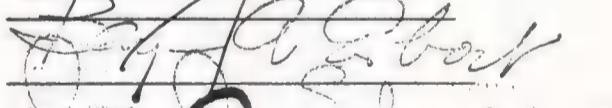
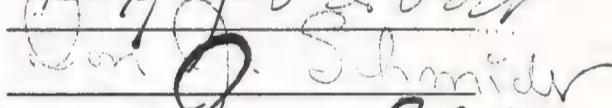
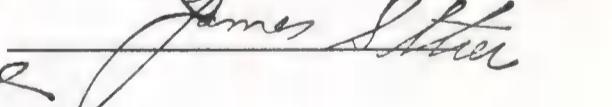
WHEREAS, the Public Service Commission mandated that the City of Fort Wayne adopt a rate structure based on "cost of service", and,

WHEREAS, the one-time adjustment to a "cost of service" structure will work a hardship on those users commercial, industrial and residential who have not had the opportunity to plan for such a change, and,

WHEREAS, an incremental adjustment to the rate structure change will serve the ends of creating an equitable structure while at the same time avoid jeopardizing jobs in the City of Fort Wayne.

NOW THEREFORE BE IT RESOLVED, that the Common Council, having complied with the mandate of the Public Service Commission now urges the Commission to allow for an incremental change in the structure of the rates in order to preserve jobs and effect a truly equitable implementation of the City's rate structure.


Samuel J. Talarico
Common Council
Chairman P. Henry
Charles S. Reed


Mark E. Giadinto

Robert A. Gilbert

Don J. Schmidt

James Stalter

**NOTICE OF HEARING
ON PROPOSED RATES AND CHARGES
OF FORT WAYNE SEWAGE WORKS**

Property owners and other interested parties in the City of Fort Wayne are hereby notified that on April 8, 1986, the Common Council introduced Bill No. G-86-04-10, thereby determining to establish rates and charges for services to be rendered by the sewage works. At a meeting of the Common Council to be held at 7:00 p.m. (Fort Wayne Time), on April 22, 1986, in the City-County Building, Room 126, there will be a public hearing on the matter of the rates and charges, and consideration of adoption of said Bill No. G-86-04-10, which bill provides in part as follows:

Article VI. User Charges

Sec. 24-30. Domestic User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

Service Charge (cents per 100 cu. ft.)

Treatment - 34.23

Conveyance, Collection, Billing - 22.60

Capital - 2.96

Total User Charge - 59.79

Sec. 24-31. User Minimum Charges and Other Fixed Payments

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-30 does not exceed the minimum monthly charge for each class of user as set forth thereafter, user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

Water Meter Size	Minimum Monthly Charge
5&1/2"	\$2.89
1-1/2"	10.20
2"	20.80
3"	41.80
4"	69.49
6" or larger	193.00

User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

Classification of Customer - Domestic User-Single Family Dwelling, Monthly Flat Charge (1) In-City \$5.98, Out-City \$7.17; Classification of Customer - Domestic User-Multi Family Dwelling, Monthly Flat Charge (1) To be estimated by City; Classification of Customer - Commercial and Industrial User, Monthly Flat Charge (1) To be estimated by City

(1) Monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Monthly flat charges for commercial and industrial establishments may be based either on number of employees; the manufacturing processes used; other pertinent sewer use indicators; or outfall measurements where such data is available.

The Utility shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by the Utility at any time. However, no adjustment, additional charge or refund may be made more than six (6) years after the due date of the billing sought to be adjusted.

Inbalco Capital Surcharge - per month - \$4.65

Sec. 24-32. Manufacturing User Charges.

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for the following classifications of service:

Service Charge (cents per 100 cu. ft.)

Treatment - 34.23

Conveyance, Collection, Billing - 14.84

Capital - 2.18

Total User Charge - 51.25

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule above does not exceed the minimum monthly charge for each class of user as set forth thereafter, user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

Water Meter Size	Minimum Monthly Charge
5&1/2"	2.89
1-1/2"	10.20
2"	20.80
3"	41.80
4"	69.49
6" or larger	193.00

Other Manufacturing User Charges

-1 Monthly billing charge - per bill - \$2.50

-2 Excess Strength of Wastes Surcharge

In the event a manufacturing user contributes waste having a toxic strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

Cents Per Pound

Suspended Solids - (SS) - 4.17

Biochemical Oxygen Demand - (BOD) 4.63

Phosphorus - (P) - 37.61

Ammonia - (NH-3) - 11.41

Sec. 24-33. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

-1 Volume Charge (cents per 100 cu. ft.)

Treatment - 20.56

Capital Charge - 12.88

33.40

-2 Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to the portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

-3 Flat Charge

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$2.50 and a monthly surveillance charge of \$100.00.

-4 Excess Strength of Waste Surcharge

In the event a contract customer contributes waste having a toxic strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

Cents Per Pound

Suspended Solids - (SS) - 4.17

Biochemical Oxygen Demand - (BOD) - 4.63

Phosphorus - (P) - 37.61

Ammonia - (NH3) - 11.41

-5 Capital Surcharge

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

-6 Other Provisions

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and

To **JOURNAL-GAZETTE** Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

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Drusilla Roose

Title **CLERK**

LISHER'S AFFIDAVIT

Personally appeared before me, a notary public in and for said county and state, the
undersigned **Drusilla Roose** who, being duly sworn, says

CLERK

that he/she is of the

JOURNAL-GAZETTE

DAILY

in the English language in the city of **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for **one time** the dates of publication being

as follows:

4/12/86

newspaper of general circulation printed and published

.....

12th day of April 1986

Anne M. Perkins
Anne M. Perkins Notary Public

My commission expires **November 29, 1989**

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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COMPUTATION OF CHARGES

262	lines, 1	columns wide equals 262	equivalent lines at .300¢	\$.78.60
cents per line				
Additional charge for notices containing rule or tabular work (50 per cent of above amount)				
Charge for extra proofs of publication (50 cents for each proof in excess of two) 4 extra 2.00				
TOTAL AMOUNT OF CLAIM \$ 80.60				

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6	point
Number of insertions 1	Size of quad upon which type is cast 6	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date April 12, 1986

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned *Drusilla Roose*, who, being duly sworn, says

CLERK

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newspaper of general circulation printed and published

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4/12/86

Drusilla Roose

12th day of April 1986

Anne M. Perkins
Anne M. Perkins Notary Public

My commission expires November 29, 1989

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2			Movie
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4		Concert	(1984)
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Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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Sec. 24-30. Domestic User Volume Charges. The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

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Conveyance, Collection, Billing - 22.60

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Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for the following classifications of service:

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Conveyance, Collection, Billing - 14.84

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Total User Charge - 51.25

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule above does not exceed the minimum monthly charge for each class of user as set forth thereafter, user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

Water Meter Size	Minimum Monthly Charge
5 1/2 - 3 1/2"	\$2.89

contracted MGD.

-6 Other Provisions

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any noncontract user by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a Sewer Use Ordinance and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204. (b) (1), Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-34. Bulk Waste Charges.

Industrial - For all industrial waste suitable for

disposal directly through the plant digesters which has been delivered by the Customer to City's plant - \$193.60 per load. For purposes of computing charges hereunder, a load is defined as 5,000 gallons of tank capacity or fraction thereof.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$23.25 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-35. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus per year, with the unit charges currently in effect from which the board will determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

-1 A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operations and maintenance and replacement costs to each user class.

-2 Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Article VII. Strength-of-Wastes Surcharge

Sec. 24-36. Liability for Surcharge. Each user discharging wastes into the sewage system shall be subject to a strength-of-wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than:

-1 Biochemical oxygen demand of 300 milligrams per liter.

-2 Chemical oxygen demand of 600 milligrams per liter.

-3 Suspended solids content of 300 milligrams per liter.

-4 Phosphorus content of 10 milligrams per liter.

-5 Ammonia content of 15 milligrams per liter.

Sec. 24-37. Computation of Surcharge.

The surcharge shall be determined as follows:

The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, and phosphorus will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD), suspended solids, and phosphorus respectively in the user's sewage and (b) the allowed construction set out in Section 24-36. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Section 24-33-4. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

Sec. 24-38. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$100.00 per discharge point.

At such hearing and prior to final adoption of said Bill No. G-86-04-10, all interested parties may appear and be heard. Copies of Bill No. G-86-04-10 are on file in the Office of the Clerk and are available for inspection by any interested parties during regular business hours.

Dated this 9th day of April, 1986.

S/Sandra E. Kennedy, Clerk

4/12

4/12/86

Subscribed and sworn to me before this

12th

day of April 1986

Anne M. Perkins Notary Public

November 29, 1989

Drusilla Rose

Anne M. Perkins

Notary Public

November 29, 1989

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Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
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FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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COMPUTATION OF CHARGES

262 lines, 1 columns wide equals 262 equivalent lines at .300¢ \$ 78.60 cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 4 extra 2.00

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Title CLERK

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that he/she is CLERK of the

NEWS-SENTINEL

a newspaper of general circulation printed and published

in the English language in the city **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time

as follows:

4/12/86

Subscribed and sworn to me before this 12th day of April, 1986

Annie M. Perkins
Annie M. Perkins Notary Public

November 29, 1989

My commission expires

-6 Other Provisions
In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any noncontract user by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a Sewer Use Ordinance and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204 (b) (1). Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1 and 35-928-2, and 35-935-13.
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Number of insertions 1	Size of quad upon which type is cast 6	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date April 12, 1986

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned *Drusilla Roose* who, being duly sworn, says

at he/she is of the

NEWS-SENTINEL

..... DAILY newspaper of general circulation printed and published

the English language in the city town of **FORT WAYNE, INDIANA**

I state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time

as follows:

4/12/86

Drusilla Roose

Subscribed and sworn to me before this 12th day of April 1986

Anne M. Perkins
Anne M. Perkins Notary Public

November 29, 1989

My commission expires

**NOTICE OF HEARING
ON PROPOSED RATES AND CHARGES
OF FORT WAYNE SEWAGE WORKS**
Property owners and other interested parties in the City of Fort Wayne are hereby notified that on April 8, 1986, the Common Council introduced Bill No. G-86-04-10, thereby determining to establish rates and charges for services to be rendered by the sewage works. At a meeting of the Common Council to be held at 7:00 p.m. (Fort Wayne Time), on April 22, 1986, in the City-County Building, Room 126, there will be a use indicators; or outfall measurements where such data is available.
The Utility shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by the Utility at any time. However, no adjustment, additional charge or refund may be made more than six (6) years after the due date of the billing sought to be adjusted.
Inbalco Capital Surcharge - per month - \$4.65
Sec. 24-32. Manufacturing User Charges.
Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for the following classifications of service:
Service Charge (cents per 100 cu. ft.)
Treatment - 34.23
Conveyance, Collection, Billing - 14.84
Capital - 2.18
Total User Charge - 51.25
User Minimum Charges and Other Fixed Payments
In the event the monthly sewage service charge calculated in accordance with the water consumption schedule above does not exceed the minimum amounts applicable to any noncontract user by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a Sewer Use Ordinance and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204 (b) (1), Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1 and 35-928-2, and 35-935-13.
Sec. 24-34. Bulk Waste Charges.
Industrial - For all industrial waste suitable for

BILL NO. G-86-04-10

REPORT OF THE COMMITTEE ON

CITY UTILITIES

Committee of the Whole

WE, YOUR COMMITTEE ON

CITY UTILITIES

TO WHOM WAS

REFERRED AN (ORDINANCE)

(RESOLUTION) ~~XXXXXX~~

REPEALING CHAPTER 24

OF THE FORT WAYNE MUNICIPAL CODE AND SUBSTITUTING AND ENACTING THEREFOR

A NEW CHAPTER 24 ENTITLED "SEWERS AND SEWAGE SYSTEM" FOR THE

PURPOSE OF ADJUSTING RATES AND OTHER PROVISIONS SET FORTH THEREIN

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

stated
PAUL M. BURNS
CHAIRMAN

Thomas C. Henry
THOMAS C. HENRY
VICE CHAIRMAN

B. Eisbart
BEN A. EISBART

J. S. Stier
JAMES S. STIER

M. E. GiaQuinta
MARK E. GIAQUINTA

Sandra E. Kennedy
SANDRA E. KENNEDY

CONCURRED IN

Janet G. Bradbury
SANDRA E. KENNEDY
CITY CLERK

Samuel J. Tolman
Charles B. Reed